

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KEVIN APGAR,

Plaintiff,

V.

WARDEN RAPHAEL WILLIAMS,  
DR PETER BINNON, JIM WELCH

Defendants

Civ. Action No. 07-505-\*\*\*



MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff Kevin Apgar, Pursuant to,  
§ 1915, Requests this Court to appoint Counsel  
to represent him in this Case for the following  
reasons:

1) The plaintiff is unable to afford Counsel Due  
to incarceration and, lack of help, Support  
Outside of the Correctional institution

2.) The issues involved in this case are very complex.

3.) The Plaintiff, is an inmate participating in a program which is considered a therapeutic-community and free time for access to the law library is limited

4) The plaintiff has a limited knowledge of the law and does not have a high school education.

Date:

Name:

Address:

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Plaintiff,

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DR. PETER BINNON, AND  
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Defendants

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AFFIDAVIT IN SUPPORT OF THE  
PLAINTIFFS MOTION FOR THE APPOINTMENT  
OF COUNSEL

Kevin Appgar, being sworn, deposes,  
and says:

1) I am the Plaintiff in the above entitled  
Case. I make this affidavit in support of  
my Motion for the appointment of  
Counsel

3.) This is a complex case because it contains three different defendants in which they all play a different part of the plaintiff's legal claims.

4.) The case requires medical issues that may require expert testimony on behalf of plaintiff's chronic care doctor (Dr. McDonald)

5.) The plaintiff has demanded a jury trial.

6.) This case will most likely require disposition of a witness on the plaintiff's behalf.

7.) The plaintiff did not complete high school nor has any legal education.

8.) The plaintiff was classified by (DOC) to participate in the Key Program which is an intense therapeutic community which is isolated from the rest of the prison population which makes free time for access to the law library very limited.

9.) In deciding whether to appoint counsel for an indigent litigant, the court should consider the factual complexity of the case, the ability for the indigent to investigate the facts, the ability for the indigent to present his claim and the complexity of the legal issues.

10.) As Set forth in the memorandum of law Submitted with this motion, these facts along with the legal merit of the Plaintiffs Claims. Support the appointment of Counsel to represent the Plaintiff.

WHEREFORE, the Plaintiffs motion for the appointment of Counsel should be granted

X

\_\_\_\_\_  
Plaintiff.

\_\_\_\_\_  
Date.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 2007.

X

\_\_\_\_\_  
Notary Public.

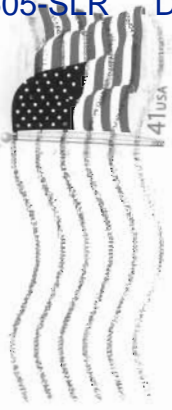
Kevin Apgar  
302981  
PO Box 9561

Wilmington, De  
19809

Office Of the Clerk  
United States District Court  
844 N. King St, Lock Box 18

Wilmington Delaware 19809-1818

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07 NOV 2007PM 3 T





## 2.) The Plaintiff Complaint Alleges The Following:

In November of 2003 I was incarcerated and shortly afterwards was diagnosed as having contracted the hepatitis C virus.

Consequently I began seeing the chronic care doctor, Niaz, during my stay at Delaware Correctional Center, Smyrna, DE.

Over the years I filed numerous medical grievances in an attempt to get treatment for it. Each time I was promised that steps would be taken in the direction of beginning treatment. I would then sign off believing what I was told.

In April of 2006 I was transferred to Howard R. Young Correctional Institution in Wilmington, DE. August of that year, after having seen Dr. Binnon, and having been told that my enzyme levels were so high that it warranted treatment, I filed yet another medical grievance due to CMS' inaction. There I was also promised certain steps (psychological evaluation, liver biopsy). In faith I signed off again.

By February of 2007 nothing still had

been done. I filed yet another grievance and refused to sign off on it this time. I also wrote Warden Raphael Williams and Medical Service Administrator James Welch in the hope of relief. I never received a response.